

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804

THIS DOCUMENT RELATES TO:

Case No. 1:17-md-2804

Case No. 1:18-op-45282

Hon. Dan A. Polster

*All Cases Not Designated In Paragraphs 2 or
3 of CMO-1*

CITY OF ROME, a municipal corporation,
FLOYD COUNTY, GEORGIA,
CHATTOOGA COUNTY, GEORGIA,
WHITFIELD COUNTY, GEORGIA, and
CITY OF CARTERSVILLE, a municipal
corporation, and all others similarly situated,
(class-action)

**SHORT FORM FOR SUPPLEMENTING
COMPLAINT AND AMENDING
DEFENDANTS AND JURY DEMAND**

v.

PURDUE PHARMA, L.P., *et al.*,

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Doc. ##: 513, 514,¹ and as may be amended in the future, and any additional claims asserted herein. Plaintiff

¹ Docket #: 513 is the redacted Summit Second Amended Complaint and Docket #: 514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #: 24.

also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)' existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)' Existing Complaint, City of Rome, et al. v. Purdue Pharma, LP, et al. (1:18-op-45282) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

Depomed, Inc.	AmerisourceBergen Drug Corporation
Amneal Pharmaceuticals LLC	Anda, Inc.
Bloodworth Wholesale Drugs	Cardinal Health, Inc.
CVS Health Corporation	Eckerd Corporation d/b/a Eckerd Pharmacy
H.D. Smith Wholesale Drug Co.	Harco, Inc. f/k/a Harco Drug, Inc.
Janssen Pharmaceuticals, Inc.	The Kroger Co.
McKesson Corporation	Mylan Pharmaceuticals, Inc.
Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.	Publix Super Markets, Inc.
Purdue Pharma LP; Purdue Pharma, Inc.	Rite Aid Corporation
Sandoz Inc.	Smith Drug Company a/k/a Smith Corporation
SpecGx LLC	Stat Rx USA LLC
Walgreens Boots Alliance, Inc. (“Walgreens”)	Walmart Inc.
West-Ward Pharmaceuticals Corp.	Cephalon, Inc.
Mallinckrodt PLC	Mallinckrodt LLC
Endo Pharmaceuticals, Inc.	Allergan PLC, f/k/a Actavis PLC
Watson Laboratories, Inc.	Actavis, LLC
Johnson & Johnson	Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.

Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceutics, Inc.	The Purdue Frederick Company, Inc.
Teva Pharmaceuticals Industries, LTD.	Teva Pharmaceuticals USA, Inc.
Endo Health Solutions, Inc.	Endo Pharmaceuticals, Inc.
Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.	Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

I, J. Anderson Davis, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).

I further certify that, except as set forth below, each of the Defendants) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

Dated: March 15, 2019

Signed: /s/ J. Anderson Davis

Factual Allegations Regarding Individual Defendants

West-Ward Pharmaceuticals Corp.	Amneal Pharmaceuticals LLC
Anda, Inc.	Bloodworth Wholesale Drugs
CVS Health Corporation	Eckerd Corporation d/b/a Eckerd Pharmacy
H.D. Smith Wholesale Drug Co.	Harco, Inc. f/k/a Harco Drug, Inc.
The Kroger Co.	Mylan Pharmaceuticals, Inc.
Par Pharmaceutical, Inc.	Publix Super Markets, Inc.
Rite Aid Corporation	Sandoz Inc.
Smith Drug Company	SpecGx LLC
Stat Rx USA LLC	Walgreens Boots Alliance, Inc. ("Walgreens")
Walmart Inc.	

2.1 are hereby added as Defendants by this pleading based on the following jurisdictional allegations:

2.1.1 Defendant **Amneal Pharmaceuticals LLC** is a Delaware corporation with its principal place of business in Bridgewater Township, New Jersey. Amneal was created when Amneal Pharmaceuticals, LLC merged with Impax in 2018. Amneal manufactures, promotes, sells, and distributes opioid products throughout Plaintiffs' Communities and the rest of the nation. Amneal Pharmaceuticals, LLC is being sued as a Marketing Defendant.

2.1.2 Defendant **Anda, Inc.** (“Anda”), through its various DEA registrant subsidiaries and affiliated entities, including but not limited to Anda Pharmaceuticals, Inc., is the fourth largest distributor of generic pharmaceuticals in the United States. Anda is a Florida corporation with its principal place of business in Weston, Florida. In October 2016, Defendant Teva acquired Anda from Allergan plc (*i.e.*, Defendant Actavis) for \$500 million. At all relevant times, Anda operated as a licensed pharmaceutical wholesaler in Plaintiffs’ communities. Anda is being sued as a Distributor Defendant.

2.1.3 Defendant **Bloodworth Wholesale Drugs** (“Bloodworth”) is a Georgia corporation with its principal office in Tifton, Georgia. Bloodworth is being sued as a Distributor Defendant.

2.1.4 Defendant **CVS Health Corporation** (“CVS”) is a Delaware corporation with its principal place of business in Rhode Island. CVS Health Corporation conducts business as a licensed wholesale distributor under the following named business entities: CVS Indiana, L.L.C.; CVS Orlando FL Distribution; CVS Pharmacy, Inc.; CVS RX Services, Inc, d/b/a CVS Pharmacy Distribution Center; CVS TN Distribution, LLC ; and CVS VERO FL Distribution, L.L.C (collectively “CVS”). CVS is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical Distributor. CVS distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. CVS

conducts business and is sued as both a Distributor Defendant and as a National Retail Pharmacy Defendant.

2.1.5 Defendant **Eckerd Corporation d/b/a Eckerd Pharmacy** is a Delaware corporation. Eckerd Pharmacy is being sued as both a National Retail Pharmacy Defendant and Distributor Defendant.

2.1.6 Defendant **H.D. Smith Wholesale Drug Co.** is a Delaware corporation with its principal office located in Springfield, Illinois. H.D. Smith Wholesale Drug Co. is being sued as a Distributor Defendant.

2.1.7 Defendant **Harco, Inc. f/k/a Harco Drug, Inc.**, (“Harco”) is an Alabama Corporation with its principal place of business in Tuscaloosa, Alabama. Defendant Rite Aid acquired Harco in 1997. Harco is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. Harco is being sued as a Distributor Defendant and as a National Retail Pharmacy Defendant.

2.1.8 Defendant **The Kroger Co.** (“Kroger”) is an Ohio corporation with its headquarters in Cincinnati, Ohio. Fred Meyer, Inc. merged with Kroger in 1999. Kroger operates 2,268 pharmacies in the United States. Kroger is being sued as both a National Retail Pharmacy Defendant and Distributor Defendant.

2.1.9 Defendant **Mylan Pharmaceuticals, Inc.** (“Mylan”) is a West Virginia corporation, with its principal place of business located in Morgantown, West Virginia. Mylan is a wholly owned subsidiary of Mylan Laboratories, Ltd., which is a wholly owned subsidiary of Mylan, Inc. Mylan manufacturers, promotes,

distributes, and sells opioids throughout Plaintiffs' Communities and the rest of the nation. Mylan is being sued as a Marketing Defendant.

2.1.10 Defendant **Par Pharmaceutical, Inc.** is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc. is a wholly- owned subsidiary of Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. Defendant **Par Pharmaceutical Companies, Inc.** is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc., (collectively "Par Pharmaceutical") was acquired by Endo International plc in September 2015 and is an operating company of Endo International plc. Par Pharmaceutical is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. Par Pharmaceutical distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Par Pharmaceutical is sued as a Marketing Defendant.

2.1.11 Defendant **Publix Super Markets, Inc.** is a Florida corporation with its principal place of business in Lakeland, Florida. Defendant Publix is registered to conduct business and/or conducts business in Plaintiff's community as a licensed wholesale pharmaceutical distributor. Publix Super Markets, Inc. is being sued as a both a Distributor Defendant and as a National Retail Pharmacy Defendant.

2.1.12 Defendant **Rite Aid Corporation** is a Delaware corporation with its principal place of business in Camp Hill, Pennsylvania. During all relevant times, Rite Aid has sold and continues to sell prescription opioids in Plaintiffs' Communities and throughout the nation, including the Opioid Drugs at issue in this lawsuit. Rite Aid is being sued as both a Distributor Defendant and as a National Retail Pharmacy Defendant.

2.1.13 Defendant **Sandoz Inc.** is a Colorado corporation with its principal place of business in Princeton, New Jersey. Sandoz manufactures, promotes, distributes, and sells opioids throughout Plaintiffs' Communities and the rest of the nation. Sandoz is being sued as a Marketing Defendant.

2.1.14 Defendant **Smith Drug Company** a/k/a J M Smith Corporation, is registered with the West Virginia Secretary of State as a South Carolina corporation with its principal office located in Spartanburg, South Carolina, doing business as Smith Drug Company. Smith Drug Company is being sued as a Distributor Defendant.

2.1.15 Defendant **SpecGx LLC** is a Delaware limited liability company with its headquarters in Clayton, Missouri, and is a wholly owned subsidiary of Mallinckrodt plc. Mallinckrodt plc, Mallinckrodt LLC, and SpecGx, and their DEA registrant subsidiaries and affiliates (together "Mallinckrodt") manufacture, market, sell and distribute opioids throughout Plaintiffs' Communities and the rest of the nation. Mallinckrodt is one of the largest manufacturers of generic oxycodone. In July 2017, Mallinckrodt agreed to pay \$35 million to settle allegations brought by the Department of Justice that it failed to detect and notify

the DEA of suspicious orders of controlled substances. SpecGx LLC is being sued as a Marketing Defendant.

2.1.16 Defendant **Stat Rx USA LLC** is headquartered in Jacksonville, Florida. Stat Rx USA LLC is being sued as a Distributor Defendant.

2.1.17 Defendant **Walgreens Boots Alliance, Inc. (“Walgreens”)** is a Delaware corporation with its principal place of business in Deerfield, Illinois. During all relevant times, Walgreens has sold and continues to sell, in Plaintiffs’ Communities and nationwide, prescription opioids including the Opioid Drugs at issue in this lawsuit. Walgreens is being sued as both a National Retail Pharmacy Defendant and Distributor Defendant.

2.1.18 Defendant **Walmart Inc.** formerly known as Wal-Mart Stores, Inc. (“Walmart”), is a Delaware corporation with its principal place of business in Bentonville, Arkansas. Walmart is registered to conduct business and/or conducts business in Plaintiffs’ Communities as a licensed wholesale distributor. Walmart is sued as both a Distributor Defendant and as a National Retail Pharmacy Defendant.

2.1.19 Defendant **West-Ward Pharmaceuticals Corp.** k/n/a Hikma Pharmaceuticals, Inc. (“West-Ward”) is a Delaware corporation with its headquarters in Eatontown, New Jersey. West-Ward manufactures, promotes, distributes, and sells opioids throughout Plaintiffs’ Communities and the rest of the nation. West-Ward is being sued as a Marketing Defendant.

2.1.20 Defendant **Cephalon, Inc., (“Cephalon, Inc.”)** is a Delaware corporation with its principal place of business in Frazer, Pennsylvania.

2.1.21 Defendant **Mallinckrodt PLC** is an Irish public limited company headquartered in Staines-upon-Thames, United Kingdom, with its U.S. headquarters in St. Louis, Missouri.

2.1.22 Defendant **Mallinckrodt LLC** is a limited liability company organized and existing under the laws of the State of Delaware. Mallinckrodt, LLC is a wholly owned subsidiary of Mallinckrodt, PLC. Mallinckrodt, PLC and Mallinckrodt, LLC are referred to as “**Mallinckrodt.**”

2.1.23 Defendant **Endo Pharmaceuticals, Inc.** is a wholly-owned subsidiary of Endo Health Solutions Inc., and is a Delaware corporation with its principal place of business in Malvern, Pennsylvania. (Endo Pharmaceuticals, Inc. is referred to herein as “Endo.”)

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court’s Order implementing the Short Form procedure. Doc. #: 1282.

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff’s Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

N/A

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Doc. #: 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County* Pleadings, Paragraphs 878-905)

☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County* Pleadings, Paragraphs 906-938)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

N/A

7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s)'s Complaint, they are identified below and will be dismissed without prejudice.

N/A

WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Summit County* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: March 15, 2019

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record, by, and may be obtained through, the Court CM/ECF Systems.

/s/ J. Anderson Davis

J. Anderson Davis

Attorney for Plaintiff(s)